

## New Provincial TitlePLUS Quick Facts & Summary of Searches

The TitlePLUS Quick Facts & Summary of Searches outline our purchase underwriting in clear, practical terms. There is a different version for each province. **Click on your province to view your Quick Facts & Summary of Searches.**

For mortgage-only underwriting, please refer to the Mortgage-Only Instruction Sheet, available for each province in the Help Menu on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com).

## TitlePLUS Title Insurance

and the Law Society of Upper Canada's new

# Residential Real Estate Transactions Practice Guidelines:



# A great fit!

Have you heard about the new Ontario Residential Real Estate Transactions Practice Guidelines released by the Law Society of Upper Canada earlier this year? If you have not yet read them, they are available online at <http://mrc.lsuc.on.ca/pdf/realEstatePracticeGuidelines/realEstatePracticeGuidelines.pdf>.

Perhaps the most significant attempt to provide guidance to the Ontario real estate Bar since the last update of *The Law Society of Upper Canada Real Estate Checklist* in the mid-1990s, the Practice Guidelines bring a clear focus to the issue of how to manage your risk as a real estate practitioner in the world of title-insured transactions. And the TitlePLUS program has many features that already incorporate recommendations found in the Practice Guidelines.

For example, the TitlePLUS web application system requires you to determine the number of residential units in the property, the type of services (municipal or private) and whether the property is tenanted. Within the TitlePLUS Action List, you are also reminded to survey with the purchaser-client any proposed alternative future use of the property. By providing your client with the [Working with a Lawyer when you Buy a Home](#) brochure (as specified in TitlePLUS requirements), you are assisted in complying with Rule 2.02. It requires the client to be given information as to different options to assure title, confirmation that you are not receiving a benefit from the title insurer and (where TitlePLUS insurance is used) a description of the relationship between LAWPRO® and the Law Society.

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The TitlePLUS Action List can help to ensure that you do not miss any searches or inquiries that form part of a reasonable due diligence plan for the transaction. Also, the Mandatory Due Diligence requirements of every TitlePLUS application lead you through the various fraud-related flags referred to in the Practice Guidelines, such as looking at deleted instruments and values declared in recent transactions.

The TitlePLUS web application system allows you to generate a draft policy to review before you meet with your client. That way you can confirm, at your convenience, that the insured is named correctly, the legal description is correct and which exceptions to coverage will apply.

The TitlePLUS Acknowledgment and Direction, generated automatically by the application website and signed by the client in an interview with you before closing, gives you the written confirmation described by the Practice Guidelines regarding:

- the manner in which title is to be assured;
- the coverage under the policy, including property-specific exceptions;
- how the client is taking title, including the implications of joint tenancy or tenancy in common; and
- crucial limitations on your retainer and the coverage under the TitlePLUS policy.

It also facilitates your review with the client of title, easements, restrictive covenants and agreements affecting title. Even if you have disclosed property issues to TitlePLUS staff and we have agreed to insure them over, they will be reported on a schedule to the Acknowledgment and Direction. This gives your clients the fullest possible view of title to their property.

With our twice-monthly communications to your office listing preapproved applications not yet issued, we remind you to request issuance of your TitlePLUS policies as soon as possible, as recommended by the Practice Guidelines.

These are only some of the ways that the TitlePLUS approach to conveyancing helps you undertake client-centred transactions as contemplated by the Practice Guidelines. Get to know the TitlePLUS way better and you will find even more benefits for you and your clients!

## TitlePLUS Vice President Appointed Secretary-Treasurer of North American Bar-Related<sup>®</sup> Title Insurers

Kathleen Waters, vice president, TitlePLUS, was recently appointed Secretary-Treasurer of NABRTI, the North American Bar Related Title Insurers.

LAWPRO is the only Canadian member of NABRTI, a North American association of title insurance companies which are controlled and operated by a broad base of lawyers, and which operate primarily through lawyers who issue the title policies.

Membership in NABRTI represented a significant milestone for LAWPRO's TitlePLUS program, as applicants have to demonstrate compliance with 10 operating principles such as: a long-term commitment to working with the real estate bar in the public interest, delivering the title product only through lawyers, demonstrated financial strength and viability, and evidence of educational initiatives aimed at informing both the public and lawyers about the role of the lawyer and title insurance in real estate transactions.

"Our goals are very much consistent with the vision of NABRTI members for title insurance companies: We all believe that lawyers should be at the centre of a real estate transaction and that title insurance is a tool that enables lawyers to better serve and protect the public," says Kathleen Waters.

NABRTI has its roots in the Florida Fund, founded in 1948. Excluding LAWPRO, NABRTI represents more than 1,600 law firms in 20 states in the U.S.A.

® Bar-Related Mark is a registered Mark of North American Bar Related Title Insurers used by LAWPRO under License.

## E-mail?

If you did not receive this newsletter via e-mail, please send your name and e-mail address to [titleplus@lawpro.ca](mailto:titleplus@lawpro.ca) and we will send all future issues to you via e-mail.



## UNDERWRITING

# Are Boarding Houses or Rooming Houses of up to four units (rooms) eligible

for a TitlePLUS Policy on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com)?

In brief, yes.

A room intended to be occupied by a roomer, lodger or boarder should be treated as a separate dwelling for the purposes of determining eligibility. So, when you are acting on the purchase or refinance of a boarding/rooming house of up to four units, you can apply for a TitlePLUS policy on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com).

Simply indicate that the property consists of multiple dwellings in the eligibility/intake questions, then review the Multi Unit Use issues in the Action List and enter any relevant issues as exceptions to coverage.

Please note that the TitlePLUS policy is not intended to provide any coverage for any specific legal issues surrounding the **commercial use** of a residential property as a boarding, rooming or lodging house (such as municipal licensing requirements) and the lawyer should ensure that the necessary inquiries are undertaken. No specific prompts will appear in the program. If you do not do the necessary inquiries, you must enter this issue as an exception to coverage (i.e., an issue to “Remain Outstanding”) in the Action List.

If you have any questions about this topic, please send an [e-mail](#) to the attention of the TitlePLUS Underwriting Department.



## Lawyer Supervision of TitlePLUS-Insured Deals

The TitlePLUS insurance program was designed to enhance the role of the lawyer in the real estate transaction. If the TitlePLUS lawyer allows significant responsibility to be assumed by another enterprise, which is not a law firm, the purpose of the program is defeated. Also, the clients receiving TitlePLUS coverage (which includes coverage for the legal services of the specific TitlePLUS lawyer) are potentially misled.

If you are delegating significant responsibility for your TitlePLUS transactions to another enterprise as described above, please [contact us](#) so we can discuss your supervision arrangements. We are interested in situations where there is a greater assumption of responsibility than, for example, retaining an outside service to conduct searches and report to you on the results, which is a common practice in many law firms.

Real Estate Lawyers  
& the Public:

# Raising the Profile of the Real Estate Bar

By **Kathleen A. Waters**, Barrister & Solicitor, Vice President, TitlePLUS & Chief Privacy Officer, Lawyers' Professional Indemnity Company (LawPRO) and **Laura Vallis**, Consultant, Environics Communications

All law firms can benefit from positive publicity. Your law firm or law practice is never too small to raise your public profile. What should you, as a real estate lawyer, consider when making efforts to promote yourself and the real estate Bar in your community?

1

**In general, the media is skeptical of stories having to do exclusively with lawyers.** When you speak to the media, consider the value that you can provide to the audience. The first question any journalist will ask is how your story impacts their readers or listeners. Other than for paid advertising, journalists are the gatekeepers. They are accountable for providing relevant, timely information, so the easier you can make their job, the more successful coverage you will generate.

2

**The public is very interested in real estate generally and home buying in particular, so stories linked to these topics are very attractive to the media.** We found that tips about making the home buying process easier and more cost-effective are particularly popular. By focusing on providing value to consumers, you may be able to attract attention from media who are hesitant to do a story that they see just as “promoting real estate lawyers.”

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3

**Time segments on air are mere minutes, if not seconds.** The point you are making needs to be clear and concise, followed by a brief checklist of suggestions. Often, television stations are willing to run a website address on the screen during your interview, so a well-designed, content-rich website can be an excellent tool to complement media relations efforts.

4

**A website is a great resource for individual members of the public,** who may be anxious for more detailed information and very comfortable with the concept of doing their own research on-line before consulting a professional.

5

**Your message must stand out.** It has been estimated that the average American, for example, is bombarded with between 300 and 3000 marketing messages per day, depending on how you define “marketing”.<sup>1</sup> Ask yourself: will my contribution create “buzz” and interest or just add to the “white noise” of commercialism that we have all learned to ignore?

6

**Being available to the media as an effective, knowledgeable resource is an excellent way to establish credibility as an expert source, and may lead to ongoing, productive relationships with journalists interested in your area of specialization.** Since print advertising can be expensive (depending on your market)<sup>2</sup>, radio advertising may be more cost-effective and better at grabbing attention (although it is less easy to target at those planning to buy or sell in the near future). A media relations campaign, involving press releases, interviews and/or pre-written articles, has no placement costs but still necessitates up-front work. While there is no guarantee that you will get exposure as a result of your efforts, the rewards are often worth the up-front effort.

To help illustrate the points above, click to view some examples of media releases that publicize the role of lawyers in the real estate transaction. In the [first example](#) and in the [second example](#), the media releases show consumers the value of using a qualified real estate lawyer for their transaction. The [third example](#) provides potential condominium purchasers with a practical checklist of condominium-related items to consider.

In Ontario, the joint OBA/CDLPA/ORELA Working Group on Lawyers and Real Estate provides a [Seminar in a Box](#) for you to use when giving presentations to consumers and other potential clients. In the coming months, the Working Group will be adding a kit for you to use to work with the media to build your real estate practice, so check their [website](#) regularly.

<sup>1</sup> Amy Detwiler, “Under-the-Radar Marketing”, [www.iipga.com/radarstory.html](http://www.iipga.com/radarstory.html).

<sup>2</sup> Also, some may suggest it is declining in overall impact in Western society.



## Important Reminder for Ontario Lawyers

Call a TitlePLUS Underwriter at 1-800-410-1013 or 416-598-5899 to order a TitlePLUS policy for a **leasehold, farm or commercial property**. Policies for these properties are not currently available on [titleplus.lawyerdonedeal.com](http://titleplus.lawyerdonedeal.com). Also, remember that residential properties with more than four units are considered “commercial” for TitlePLUS purposes.

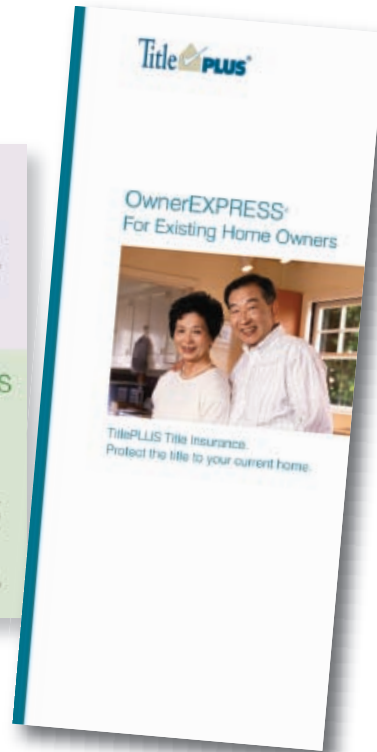


## Update on Confirmed Lenders

United Ukrainian Credit Union Limited is a new TitlePLUS Confirmed Lender in Ontario for residential, commercial and farm transactions.

Please refer to the TitlePLUS Confirmed Lenders Page on [titleplus.ca](http://titleplus.ca) for a complete listing of Confirmed Lenders along with their approved transaction types.

# New OwnerEXPRESS® Brochure



Order a supply of our new [OwnerEXPRESS brochures](#) today to help explain this program to your existing home owner clients. Like our Home Buyer brochure, just send us an [e-mail](#) specifying how many OwnerEXPRESS brochures you want and we will send them to you **free of charge**.

The OwnerEXPRESS policy provides automatic coverage for matters related to fraud (including future fraud) and registered title. It does not include legal services coverage or coverage for mortgage lenders. Please refer to the policy for full details, including actual terms and conditions.

In Ontario, you can now create OwnerEXPRESS policies on [titleplus.lawyerdonead.com](http://titleplus.lawyerdonead.com). In seconds, you can order an OwnerEXPRESS policy to provide your existing homeowner clients with peace of mind.

For all other provinces, you can order an OwnerEXPRESS policy by completing our [Order Form](#) and faxing it to us. An underwriter will call you to arrange the policy.

It's our fastest and easiest program ever!

## Upcoming Ontario New Home Program Closings

To view developments with upcoming Ontario New Home Program closings, [click here](#).

This is a new feature on [titleplus.ca](http://titleplus.ca) to provide an easy-access, up-to-date list of projects closing soon.

## How to Practise Law after Bill 152 – Title Fraud and the *Land Titles Act*

The Ministry of Government Services and the Law Society of Upper Canada are negotiating important changes for conveyancing which will, if completed, affect your real estate practice.

Proposals include restricting transfers to lawyers and having two lawyers on each transfer (with few exceptions). Other registrations will also have new eligibility requirements.

Changes will also be coming to your LAWPRO coverage, providing enhanced public protection from fraudulent registrations.

Register for “How to practise law after Bill 152” to learn the substance of the proposed changes and the anticipated rollout: Learn what you need to know to continue practicing real estate law!

When: Tuesday, June 12, 2007

Time: 1:30 p.m. to 5:00 p.m.

Where: OBA Conference Centre, 20 Toronto Street, Second Floor, Toronto

For more information, or to sign up for the program or the webcast, [click here](#).

### Missed the Real Property Program at the OBA Annual Institute?

The Real Property program at the OBA Annual Institute 2007, called “The Real Business of Real Estate Law,” was a great success. It focused on the challenges real estate lawyers face in this intensely competitive market and examined how to be a good lawyer and a good business person at the same time. You can still order the binder and the CD-ROM or video stream of the program from the OBA. The binder looks at the essential ingredients for running a successful real estate practice today and in the future. For more information, go to <http://www.oba.org/en/pdf/INS07pubborderform.pdf>.

### Complete the Ontario Real Estate Association (OREA) Forms Online

You can link to the OREA forms from the joint OBA/CDLPA/ORELA Working Group on Lawyers and Real Estate [website](#).

To use the forms, you need to be registered with LawyerDoneDeal Corp. Please note that OREA charges each lawyer a yearly fee of \$40 for the use of these forms; however, if you sign up for LawyerDoneDeal Corp.’s Advanced User Access with the other lawyers at your firm, there will only be one charge per account.

After you have registered, simply click on the link, log-in, then complete the appropriate Agreement of Purchase and Sale.